

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18-cr-13-KS-MTP

PATRELLE MCNAIR

ORDER ON MOTION FOR PSYCHIATRIC AND PSYCHOLOGICAL EXAMINATION  
AND TO DETERMINE COMPETENCY

THIS CAUSE IS BEFORE THE COURT on Motion for Psychiatric and Psychological Examination [31] filed by Defendant, Patrelle McNair by and through his counsel. Following the Motion, this Court entered its Order requiring a mental evaluation to be conducted of Patrelle McNair pursuant to Title 18 U.S.C. § 4242 and for a report to be prepared in accordance with Title 18 U.S.C §§ 4247(b)-(c). The case was continued, and Mr. McNair was transported to the Federal Medical Center at Butner North Carolina. In accordance with this Court's Order a forensic evaluation was made of Mr. McNair and report rendered to this Court giving the specifics and details of the evaluation. By letter of July 26, 2019, acting Warden E.A. Earwin provided to this Court and counsel a letter stating that Mr. McNair had been restored to competency and provided for the Court a Certificate of Restoration of Competency to Stand Trial. Mr. McNair was transported back to Mississippi, and a trial date was set. Prior to the trial date however, the attorney for Mr. McNair, Leilani L. Tynes, raised with the Court and counsel for the Government whether or not Mr. McNair had competency issues. It was reported by the

Harrison County Jail officials that Mr. McNair was not medication compliant and his competency level had degraded. The Court set a Competency Hearing for February 4, 2020.

Present for the hearing were Defendant, his attorney, Leilani L. Tynes, and the Defendant's expert witness, psychologist Dr. Julie Teater. Present for the Government was Ms. Shundral Cole. The Court conducted a conference with Mr. McNair, counsel and Dr. Teataer, and the Court made suggestions which were agreed to by counsel for both sides and Mr. McNair. Mr McNair had refused medication but pursuant to his agreement, he agreed to go back on his regular medication for a period of six (6) weeks in order to achieve the efficacy of the medication prescribed. The report from the Bureau of Prisons relates that the medication he was prescribed was effective and that when he was properly taking his medication that he was mentally competent in all respects.

After considering the oral and documentary evidence and agreements above stated, the Court finds as follows:

1. The Government has a substantial interest in prosecuting this case, in that the Defendant is accused of a serious crime.
2. The requirement that the Defendant be medication compliant is to be assured. Mr. McNair will be given the opportunity to take the medication as prescribed for a period of not less than six (6) weeks. Once this period has elapsed Ms. Tynes is to confer with Mr. McNair and find whether or not she has any continued questions regarding his competency to stand trial and participate in other ways in his defense. If she has no continuing concerns about his competency then this case will be set for trial or final disposition.
3. If Mr. McNair fails to take the medication then the medication will be involuntarily administered to him by the persons in charge of his custody. The administration of the

medication is substantially likely to render the Defendant competent to stand trial and is substantially unlikely to have side effects that will interfere significantly with Defendant's ability to assist counsel in conducting a defense.

4. Involuntary medication is appropriate here and no other less intrusive alternatives are available to treat defendant and to assure his competency to stand trial. The administration of the prescribed medication to Defendant is in the best medical interest of the Defendant in light of his condition.

The parties are to report to the Court at the end of the six (6) week period for setting of the trial herein or other disposition herein.

SO ORDERED this the \_\_\_\_7th\_\_\_\_ day of February, 2020.

s/Keith Starrett  
UNITED STATES DISTRICT JUDGE